

PATENT APPLICATION

CUSTOMER NO. 41744

10/064,670

REMARKS:

In an earnest effort to advance prosecution of this case, Applicants submit the following remarks for the Examiner's reconsideration of this case.

Claim Rejection, Section 103

Claims 1-8 stand rejected under Section 103 as being unpatentable over Nagaoka in view of Yoshimura. Applicants respectfully submit that the combined disclosure of Nagaoka and Yoshimura fails to disclose or even suggest the invention as claimed in claims 1-8. Specifically, while it is stated in the office action that "receiving member 11" of Nagaoka discloses the claimed "intra-body comprising a front section and heavyweight section," nothing in Nagaoka can be construed as disclosing or suggesting the claimed heavyweight section. In fact, the problem set to be resolved by the present Application, i.e., an unfavorable center of gravity of the pen (See, Paragraph 0005 of the subject Application) is not mentioned nor addressed by either Nagaoka or Yoshimura. Therefore, a person skilled in the art having the benefit of both Nagaoka and Yoshimura will have no information regarding the unfavorable center of gravity issue and, therefore, no clue that a heavyweight section needs to be placed so as to correct the unfavorable center of gravity of the pen. Accordingly, claim 1 is allowable over the cited references, and, consequently claims 2-8 are allowable over the cited references by their dependency from claim 1.

Newly Added Claims 9-15

Claims 9-15 have been added to more completely claim the subject invention. Claims 9-15 find their support from the originally filed claims and from the disclosure provided in paragraph 0008 of the subject application. It is respectfully submitted that claims 9-15 are allowable over the art of record. Specifically, both independent claims 9 and 13 recite the heavyweight section used to correct the unfavorable center of gravity. Accordingly, claims 9 and 13 are allowable over the art of record. Consequently, independent claims 10-12 and 14-15 are allowable by definition.

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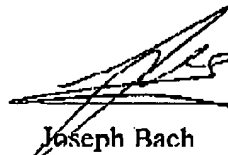
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CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. If for any reason the Examiner finds that the Application is not in condition for allowance, the Examiner is invited to contact Joseph Bach at (408) 623-9466.

Applicants hereby petition for any extension of time that may be required to keep this Application in prosecution.

Respectfully Submitted


Joseph Bach
Reg. No. 37,771

TransPacific Law Group
17460 Lakeview Drive
Morgan Hill, CA 95037
(408) 623-9466
(408) 782-9931 Fax
e-mail: jbach@transpacificlaw.com



TransPacific Law Group

Atty. Dkt. No. N015WJH/HH
Customer Number 41744

Inventors: Chia-Lin Chang

Serial Number: 10/064,670

Title: Touch Pen

Filing Date: 08/06/2002

Confirmation No: 5326

**POWER OF ATTORNEY BY ASSIGNEE AND
REVOCATION OF PREVIOUS POWERS**

AboCom System, Inc., assignee of the entire right, title and interest in the above-identified application, hereby revokes all previous powers of attorney in the above-identified application and hereby appoints the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Joseph Bach
Pavel Pogodin

Registration No. 37,771
Registration No. 48,205

Send correspondence to:

Direct telephone calls to:

Pavel Pogodin
TransPacific Law Group
617 North Delaware Street
San Mateo, CA 94401

Pavel Pogodin at (650) 954-6857
or
Joseph Bach at (408) 623-9466

STATEMENT UNDER 37 CFR 3.73(b)

AboCom System, Inc., states that it is assignee of the entire right, title and interest in the above-identified application, by virtue of an assignment from the inventor(s), as shown on the copy of the assignment filed herewith.

The undersigned (which title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: Aug. 22, 2004

ASSIGNOR:

AboCom System, Inc.

BY: Eric Ouyang

Name: Mr. Eric Ouyang

Title: Chairman

AboCom Systems, Inc.
No. 77, Yu-Yih Rd., Chu-Nan Chen,
Miao-Lih Hsiao 350, Taiwan, R.O.C.

(Power of Attorney ends with this page)